

1 Hon. Ronald B. Leighton  
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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

R. ALEXANDER ACOSTA, SECRETARY OF  
LABOR, UNITED STATES DEPARTMENT OF  
LABOR,

the Secretary,  
v.

AAA BUFFET, INC., a corporation d/b/a AAA  
BUFFET; AAA KING BUFFET, INC. d/b/a  
AAA BUFFET a corporation; XING SHI  
YONG, an individual; YOU ZHU TENG, an  
individual; XING SHI LU, an individual; and  
HAI YAN LIN, an individual,

Defendants

Case No. 16-05360

**STIPULATED MOTION AND ORDER  
VACATING THE TRIAL DATE AND  
STAYING PROCEEDINGS**

By this Court's order (Dkt. 34, filed 12/07/2016), trial is set to begin on February 20, 2018. Based on this date, and the Court's order granting the parties' motion to move deadlines, a number of filings and exchanges are due to take place between January 22, 2018 and February 12, 2018. Dkts. 34, 59.

However, the parties have reached a resolution to this matter in principle. As the parties intend to submit a proposed Consent Judgment to this Court memorializing that resolution, the parties respectfully request that the Court vacate the trial date and other associated deadlines. The parties further request that the Court stay this proceeding for 30 days to permit the parties to submit a Consent Judgment to the Court.

1       For those deadlines set by LR 16, “[t]he court may, by order in a specific case, modify or  
2 forego any of the procedures or deadlines set forth in this rule.” LR 16(m)(2). For other aspects of  
3 the scheduling order, the dates “may be modified only for good cause and with the judge’s  
4 consent.” Fed. R. Civ. P. 16(b)(4). “Rule 16(b)’s ‘good cause’ standard primarily considers the  
5 diligence of the party seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975  
F.2d 604, 609 (9th Cir. 1992).

6                  Here, the parties have worked diligently to resolve the matter. The parties had productive  
7 settlement discussions in advance of their scheduled mediation with Judge Creatura and were  
8 able to come to an agreement on key terms. Through their efforts, the parties avoided consuming  
9 Judge Creatura’s time in mediation by resolving the matter themselves. The details of the  
10 resolution must still be reduced to writing and various logistical and practical concerns remain to  
11 be addressed.

12                  Accordingly, the parties seek an Order from this Court vacating the trial and associated  
13 schedules in Dkts. 34 and 59 and staying this matter for 30 days to permit the parties to submit a  
14 Consent Judgment to the Court.

15 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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1 Dated this 11<sup>th</sup> day of January, 2018.

2 NICHOLAS C. GEALE  
3 Acting Solicitor of Labor

4 JANET M. HEROLD  
5 Regional Solicitor

6 BRUCE L. BROWN  
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et.al

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 16<sup>th</sup> day of January, 2018.



Ronald B. Leighton  
United States District Judge